

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH W. FARMER, :
 :
 Plaintiff, :
 :
 v. : (JUDGE RICHARD P. CONABOY)
 : (Magistrate Judge Carlson)
 :
 MICHAEL POTTEIGER, et al., :
 :
 Defendants. :
 :

ORDER

AND NOW, THIS 5th DAY OF NOVEMBER 2012, FOR THE REASONS SET
OUT IN THE SIMULTANEOUSLY FILED MEMORANDUM, IT IS HEREBY ORDERED
THAT:

1. The Report and Recommendation of Magistrate Judge Martin C. Carlson concerning Plaintiff Joseph W. Farmer's 42 U.S.C. § 1983 action (Doc. 33) is adopted in part;
2. The Report and Recommendation is adopted insofar as it recommends dismissal with prejudice of all claims related to Plaintiff's previous parole denials;
3. Defendants' Motions to Dismiss (Docs. 13, 31) are granted in part and denied in part;
4. The motions are granted insofar as they seek dismissal of the Complaint--they are denied insofar as they seek dismissal with prejudice;
5. All claims in Plaintiff's Complaint which relate to previous parole denials and prison grievances are dismissed with prejudice;

6. Claims related to allegedly improper program assignments and alleged revocation of parole eligibility are dismissed without prejudice;
7. Plaintiff is granted leave to file an amended complaint consistent with the simultaneously filed Memorandum, that is, any amended complaint must be limited to claims related to allegedly improper program assignments and alleged revocation of parole eligibility, naming only defendants who are directly involved in the alleged wrongs;
8. An amended complaint must be filed within fourteen (14) days of the date of this Order;
9. Upon the filing of an amended complaint, this matter is remanded to Magistrate Judge Carlson for further consideration;
10. Any appeal of this Order will be deemed frivolous.

S/Richard P. Conaboy
RICHARD P. CONABOY
United States District Judge